

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Criminal Action No. 07-79-1 JJF
	:	
ROBERT W. DAVIS,	:	
	:	
Defendant.	:	

MEMORANDUM ORDER

Pending before the Court is a Motion For Early Termination of Supervised Release (D.I. 43) filed by Defendant, Robert W. Davis. For the reasons discussed, the Court will deny Mr. Davis' Motion.

By his Motion, Mr. Davis requests the Court to grant him early termination of his term of supervised release on the basis of (1) Mr. Davis having successfully completed his twelve month term of incarceration, (2) Mr. Davis has not committed any new criminal offenses; (3) Mr. Davis has paid in full his court ordered financial obligations. In addition, while on supervised release, Mr. Davis has tested negative on all of his random drug tests, and he has successfully completed an Anger management Course. Lastly, Mr. Davis contends he has been employed at several locations during his supervision and the primary reason for his request for early termination of supervised release is to enable him to explore better employment and career opportunities that necessitate his regular travel outside of the judicial

district of Delaware.

In response, the Government contends that Mr. Davis has not demonstrated circumstances of an unusual or extraordinary nature that would warrant the early termination.

Mr. Davis was sentenced on March 7, 2010, to a twelve month term of imprisonment to be followed by a three year term of supervised release, subsequent to the defendant entering a guilty plea to one count of Conspiracy to Commit a Straw Purchase. Mr. Davis commenced supervised release in march 2009 and his termination date is currently scheduled for March 4, 2012.

Although Mr. Davis was unemployed for period of time from September 2009 until February 2010; he has adhered to all other conditions of supervised release and has no detected or reported new offenses. However, Mr. Davis has never requested travel in relation to any proposed verifiable employment situation, and was never denied such travel by his supervising officer at the U.S. Probation Office.

The decision to modify or terminate a term of supervised release rests in the discretion of the Court. Burkey v. Marberry, 556 F.3d 142, 149 (3d Cir. 2009). The Court agrees with the Government's recitation that merely complying with the terms of probation and abiding by the law are not in and of themselves sufficient to warrant early termination of supervision (D.I. 46). The Court would expect that a Defendant would comply

with terms of supervision, and by doing so would not demonstrate conduct "of an unusual or extraordinary nature" which would warrant early termination of supervision.

Accordingly, Mr. Davis' Motion For Early Termination of Supervised Release (D.I. 43) is **DENIED**.

July 30, 2010
DATE


UNITED STATES DISTRICT JUDGE